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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,051	01/20/2005	Keijo Imelainen	7633-0001WOUS	3980
35301 7590 01/04/2008 MCCORMICK, PAULDING & HUBER LLP CITY PLACE II 185 ASYLUM STREET HARTFORD, CT 06103			EXAMINER CORDRAY, DENNIS R	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 01/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/522,051

Applicant(s)

IMELAINEN, KEIJO

Examiner

Dennis Cordray

Art Unit

1791

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-31.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding the rejection of Claim 19 under 35 U.S.C. 112, 2nd paragraph, feeding a fuel gas substantially continuously does not define a time period, but can mean substantially continuous feeding for short periods of time, such as during the startup of a boiler, or for an extended period, such as during the entire time the boiler is in operation. In addition, other operating characteristics related to the apparatus are not defined in the claim, such as gas pressure, flow rate, etc, all of which are required to design a proper connection between the gas outlet means and the feed unit of the boiler. The limitation as claimed thus fails to adequately define the intended operational characteristics of the apparatus as argued.

Regarding the rejection of claims under 35 U.S.C. 112, 1st paragraph, continuously feeding fuel gas during the burning of the concentrated liquor in the soda recovery boiler is unsupported by the portions of the Specification cited by the Applicant. At best, the cited lines teach burning of gas produced in accordance with the process with the concentrated liquor in the soda recovery boiler. The cited paragraph 31 relates to the production of excess electricity. The numerical benefits cited in the current response are discussed in paragraph 30 and appear to be related to replacement of the heavy fuel oil of the lime sludge burning kiln with the fuel gas of the invention, rather than burning the gas in the recovery boiler. Paragraph 30 also discusses in much less detail additional benefits of decreasing detrimental emissions and increasing the economy of the soda recovery boiler. Continuous supplying of the gas to the soda recovery boiler is not disclosed.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The instant Specification fails to define what is intended by continuously supplying gas and does not specify that the gas is fed into the soda recovery boiler substantially continuously during the burning of the concentrated liquor is burned in the soda recovery boiler.

The use of auxilliary fuel gas in the soda recovery boiler is known in the prior art, during startup (Kuusio et al, Shaw et al), to increase production of steam to meet demands (Shaw et al), and to maintain operating temperatures (Tomlinson II). None of the mentioned processes is instantaneous, thus, supplying the auxilliary gas continuously for at least some period of time would have been obvious. Production of fuel gas by gasifying bark, wood, wood chips, etc. is known (Saviharju et al). Production of fuel gas by gasifying some of the waste liquor in the process is known (Kuusio et al). Directing some of the produced gas to the soda recovery boiler is known (Kuusio et al). One of ordinary skill in the art would have found it obvious to supply fuel gas produced by gasifying bark, wood, wood chips or any other waste material to any area of the process where it is needed to minimize the need to purchase fuel externally. One of ordinary skill in the art would also have been able to determine when and how long to use the fuel gas per the needs of the process.

Regarding Claim 19, it has been shown to be obvious to one of ordinary skill in the art to produce and use fuel gas according to the claimed invention, thus providing the claimed gas outlet means connected to the feed unit of the soda recovery boiler would also have been obvious.

All of the claimed elements were known in prior art and one skilled in the art would have been capable of combining the elements as claimed with no change in their respective functions, and the combination would have at least yielded the predictable result of reducing the amount of purchased fuel and reducing the amount of waste.

The rejections are maintained.

DRC



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